

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -December 5, 2017**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Also, Present: Matthew Hall, Manager (*arrived at 9pm*)
Laurie A. Barton Borough Clerk
Tara St. Angelo, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

EXECUTIVE SESSION

A motion was made by Noone and seconded by Valle to approve a resolution authorizing executive session for the purpose of discussing a potential litigation matter and contract negotiations, at 7:05 p.m.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.);

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Noone seconded by Klimko to come out of Executive Session at 7:30 pm.

Ayes: 7; Nays: 0

Motion Carried.

Council Appearance

Neil Santorella, Washington Square HOA, appeared before council to reiterate his past appearances and requests for the Borough to go after Mr. Rice's cash bond.

Attorney St. Angelo recommended to Council that the Home Owners Association be reimbursed for work that was done, then the Borough would go after the cash bond, for work performed. Mr. Santorella described what worked was already performed by a contractor fixing lights.

Motion made Noone and seconded by Klimko authorizing the Attorney to send a letter notifying Ray Rice of the borough accessing the cash bond to fix lights with the association and to eventually reimburse the association for costs for fixing said lights.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0

Motion carried.

Correspondence

Motion made by Heinrich and seconded by Valle to receive and file the following correspondences:

Senator Sweeney-S1045 & S1046 (OPMA & OPRA)

David Dech, Warren County Planning Department-Electronic Waste Recycling

Minutes

Motion made by Heinrich and seconded by Thompson to approve the following minutes:

Regular Meetings of November 8, 2017 & November 21, 2017

Executive Session 11/08/17 (**Proof for content only**)

Ayes: 7, Nays: 0

Motion carried.

Audience

Debbie Spinks, State Street, spoke of her opposition to the recently adopted ordinance concerning no parking on State Street and asked for a clear reason why this was enacted. Ms. Spinks stated

she went out and measured similar streets by width showing no issues in getting a fire truck down those roads similar to State Street. (*Photos submitted*).

Ms. Spinks requested that the ordinance be rescinded for the no parking on State Street.

Terry Housel, Prospect St., asked why South Prospect Street was made no parking, same as State Street.

Michael Helbing(sp), Prospect St., stated his opposition to the recently enacted no parking on Prospect Street and added that more places keep getting cut off for parking.

John Monteverde, BID, gave the schedule of events planned for the December 9th hometown holiday. Mr. Monteverde thanked the Fire department for their donation and decorating of the tree.

Anaberta (last name inaudible), S. Prospect St., stated her tire was punctured on her street.

Denise Housel, Prospect St., stated her disappointment in how the parking ordinance came about and asked what reasons were given for the decisions of no parking on her street and would like to see some kind of report on how it was decided on these streets having no parking.

Michael Helbing(sp), Prospect St., spoke of issues he accused Councilwoman Klimko doing with regards to phone calls to the DEP.

Rev. Bauknight, President, Library Board, stated she has submitted budget plans for 2018. Quotes are being sought for repairs to the roof. The prosecutor's office was notified after two incidents that occurred at library. Rev Bauknight requested to be placed on the December 19th agenda.

Lt. Teter, Washington Township Police Department, introduced a new hire to the Police force, Chris Summers.

Nelson Abrue(sp), West Stewart, spoke about an RV that has been parked on Madison Avenue blocking half the roadway and commercial trucks being parked there during the day. Mr. Abrue requested the Street Committee to evaluate it and to make it a one-way.

Robert Lagonera, Animal Control Officer, discussed with Council two issues concerning feral cats and implementing a trap and release program and agriculture animals (registering chickens). Mr. Lagonera requested ordinances be drafted to address the issues.

Mayor Higgins at this time recused himself from the Chair, Deputy Heinrich took over as chair.

Derek Higgins, Washington Borough Fire Department, discussed the need for a new fire engine to replace one that is currently out of service. Estimated cost for new truck is around \$499,000.00.

Manager Hall stated the borough will be applying for grants to help offset cost.

Hearing no further comments, motion made by Noone and seconded by Valle to close the public portion of agenda, all were in favor.

Reports

Motion made by Noone and seconded by Valle to receive and file the following reports:

Warren County Board of Health Report
Police-September-October
Fire Prevention, Code, Zoning Report – M. Lopez

Ayes: 7 Nays: 0
Motion Carried.

Committee Reports

Senior Advisory: Councilman Heinrich reported on the Longwood Gardens trip, stated it was a complete success and they will add more buses next year. Heinrich thanked Councilwomen Klimko and Valle on their participation in helping organize and assist in the trip.

The potential trips for next year will be a trip to Sands Casino, River Lady Cruise at the shore and the Longwood Gardens. A website is being worked on and also getting flyers mailed out with the tax bills.

New Business

Motion made by Valle and seconded by Klimko to approve the following:

Approval of **Bingo** License: BA-2017-1 Saint Joseph Catholic Church
Approval of **Raffle** License: RA-2017-3 Saint Joseph Catholic Church

Ayes: 7 Nays: 0
Motion Carried.

Motion made by Noone and seconded by Heinrich to approve the following:

Library Board Secretary-Reappointment -Charlene Jones.

Ayes: 7 Nays: 0
Motion Carried.

Resolutions

Motion made by Heinrich and seconded by Thompson to approve Resolution 2017-227.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-227
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$500.47 or taxes or other municipal liens assessed for the year 2015 in the name of Lum, Arthur E. Estate of as supposed owner, and in said assessment and sale were described as 82 West Johnston Street, Block 15 Lot 25, which sale was evidenced by certificate #16-00020; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-30-17 and before the right to redeem was cut off, as provided by law, LSF8 Mortgage Holdings, LLC claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,689.09 which is the amount necessary to redeem Tax Sale Certificate #16-00020.

NOW THEREFORE BE IT RESOLVED, on this 5th day of December 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$3,189.09** (This consists of \$1,689.09 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 15 Lot 25 from the tax office records.

Motion made by Noone and seconded by Heinrich to approve Resolution 2017-228.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-228

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, _____ Borough of Washington _____ (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Borough of Washington (Local Unit) hereby appoints Skylands Risk Management its Risk Management Consultant.
2. The Borough Manager, Matthew Hall (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2018 in the form attached hereto.

Name of Entity: Borough of Washington

Motion made by Heinrich and seconded by Noone to approve Resolution 2017-229.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2017-229
RESOLUTION APPOINTING FUND COMMISSIONER
STATEWIDE INSURANCE FUND

WHEREAS, Borough of Washington (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington (Local Unit) that Matthew Hall (entity’s elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2018**; and

BE IT FURTHER RESOLVED that Natasha Turchan (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2018**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Borough of Washington

Motion made by Heinrich and seconded by Noone to approve Resolution 2017-230.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2017-230

RESOLUTION AFFIRMING THE BOROUGH OF WASHINGTON'S COMMITMENT TO REDEVELOPING CERTAIN PROPERTIES IN NEED OF ENVIRONMENTAL REMEDIATION FOR THE PURPOSES OF COMMERCIAL AND/OR INDUSTRIAL USE

WHEREAS, the Borough of Washington ("Borough") adopted a Downtown Redevelopment Ordinance (Ordinance 1-2009) in 2009 designating a Downtown Redevelopment Area as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, in addition to redevelopment of the Downtown Redevelopment Area, which consists primarily of the Downtown Business District the Borough of Washington also is desirous of pursuing the redevelopment of abandoned and contaminated parcels zoned for industrial and commercial use located nearby the Downtown Redevelopment Area with easy access to major roads; and

WHEREAS, the properties designated as Block 35, Lot 45 and Block 35 Lot 15 (the "Properties") as shown on the Borough tax maps are subject to Certificate of Sale for Unpaid Municipal Liens for which the Borough holds the tax certificate; and

WHEREAS, the Borough may foreclose on the Property to satisfy the municipal liens and for the purpose of redevelopment; and

WHEREAS, the Borough has authorized and directed TRC Environmental Corporation to apply for Grant Funds from HDSRF on behalf of the Borough in order to conduct site investigations, remedial investigations and/or remedial actions for the Properties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, in the County of Warren, New Jersey, that the Borough shall pursue HDSRF grants for the Properties for the purposes detailed herein and shall make every effort to return the Properties to productive use within three (3) years of the completion of all remediation actions required.

Motion made by Noone and seconded by Valle to approve Resolution 2017-231.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-231

RESOLUTION 162-2016 RESOLUTION EXTENDING THE OPTION AGREEMENT FOR GRANT OF EASEMENT AND RIGHT-OF-WAY WITH NEW JERSEY AMERICAN WATER

WHEREAS, on November 7, 2014, the Borough of Washington and New Jersey-American Water Company, Inc. entered into an Option Agreement for Grant of Easement and Right-of-Way to provide New Jersey-American Water Company with the option to purchase an easement and right-of-way on a portion of Lot 78 in Block 48 in Washington Township and owned by the Borough with two (2) option periods from November 7, 2014 to November 6, 2015 and from November 7, 2015 to November 6, 2016; and

WHEREAS, New Jersey-American Water Company wishes to further extend the option for an additional twelve (12) months from November 7, 2017 to November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington

that:

1. The Option Agreement with New Jersey-American Water Company is hereby extended for an additional twelve (12) months from November 7, 2017 to November 6, 2018.
2. The non-refundable option fee for the twelve (12) month extension period shall be \$14,000.00 payable on or before December 19, 2017.
3. All option payments shall be credited against the final easement purchase price of \$140,000.00.

Street Opening Request

Motion made by Heinrich and seconded by Noone to allow a street opening for gas lines to be installed at 57 and 59 Park Avenue with the stipulation that the patch work to be done by infrared technology.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

Council agreed to have one more meeting this month on December 28th at 6:00 P.M. for bill paying only. The Clerk was instructed to advertise the meeting.

Vouchers and Claims

Motion made by Heinrich and seconded by Noone to pay the vouchers and claims in the amount of \$446,950.36 from the current fund and \$12,793.70 from the sewer utility.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson (*abstains from any Fire and EMS bills*) and Valle.

Ayes: 7, Nays: 0

Motion carried.

Council Remarks

Councilwoman Valle described a situation she was faced with in confronting someone who parked in front of the pedestrian crosswalk.

Councilman Heinrich thank the ACO for being proactive and doing a lot. Heinrich also thanked the fire department and welcomed the new police officer.

Councilwoman Noone reminded everyone to come out to the town hall on December 9th for the holiday celebration.

Councilwoman Klimko thanked the fire department and welcomed new police officer, Chris Summers.

Mayor Higgins described the major fire that occurred at Washington Heights earlier today. A fire fighter was injured from the Franklin Fire Department. Mayor Higgins thanked all the volunteers and added that it is not an easy job.

ADJOURNMENT

Hearing no further business, a motion was made by Klimko seconded by Valle to adjourn the meeting at 10:20 pm.

Ayes: 7; Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk